

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 SCA-01 CPR-01 CIAE-00 DODE-00 PM-04

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C O N F I D E N T I A L BERLIN 6726

E O 11652: GDS

TAGS: CGEN, GE, US

SUBJ: US/GDR RELATIONS: REMARKS OF DR. GEYER ON THE CONSULAR  
CONVENTION

REF: BERLIN 6717

1. IN FURTHER REFERENCE TO DR. HANS MEYER GEYER'S RAISING THE  
ISSUE OF A US/GDR CONSULAR CONVENTION DURING OUR TALK  
ON SEPTEMBER 14 (REFTEL) GEYER SAID THAT HE UNDERSTOOD THAT  
THE US, WITH MANY CONSULAR CONVENTIONS, DID NOT WISH TO  
ESTABLISH A PRECEDENT BY THE INCLUSION OF A DEFINITION OF  
NATIONALITY; BUT, HE SAID, THE US MAY NOT UNDERSTAND THE  
PROBLEM AS IT APPLIES TO THE GDR. A CONVENTION WITHOUT THE  
DEFINITION WOULD BE PERFECTLY CLEAR TO THE US AS THE US  
KNOWS ITS CITIZENS, AND EVERYONE KNOWS ITS CITIZENS.  
THERE WOULD BE NO QUESTION ABOUT THEIR REPRESENTATION BY THE  
US IN THE GDR. CONVERSELY, BECAUSE OF THE FRG BASIC LAW,  
THE GDR WOULD NOT KNOW WHAT PERSONS THE US WOULD CONSIDER  
CITIZENS OF THE GDR.

2. GEYER WENT ON TO SAY IN A VERY INTERESTING WAY THERE  
MAY BE A POSSIBILITY OF SOLUTION, IF THE PRACTICAL  
CONSEQUENCES, CAN BE MADE CLEAR AND ASSURED TO THE GDR.

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HE DID NOT THINK A SOLUTION WOULD FOLLOW THE GDR/UK

PATTERN,ALTHOUGH HE THOUGHT THE US WANTED TO PLEASE THE FRG POLITICALLY. HE ILLUSTRATED THE "PRACTICAL CONSEQUENCES" AS FOLLOWS: IF MR. "X" OF THE US SHOULD BE IMPRISONED IN THE GDR, THE GDR WOULD KNOW THAT HE WAS AN AMERICAN CITIZEN AND THERE WOULD BE NO QUESTION THAT THE US CONSUL COULD ASK FOR, AND SECURE REPRESENTAION. HOWEVER, IF HERR FISCHER, "I DO NOT MEAN THE FOREIGN MINISTER," SHOULD BE IMPRISONED, THE GDR WOULD HAVE NO ASSURANCES HE WOULD HAVE SUCH A RIGHT. HE ADDED THAT HE KNEW THAT US LAW COULD NOT GUARANTEE THAT THE GDR CITIZEN WOULD ACCEPT GDR REPRESENTATION BUT THAT THE GDR HAD THE RIGHT TO ASK FOR REPRESENTATION. I NOTED THAT I HAD FOLLOWED THE NEGOTIATIONS AND I HAD NEVER HEARD THIS POSITION RAISED.

3. I BELIEVE GEYER HAS ENOUGH KNOWLEDGE OF US LAW AND CUSTOM TO PRESENT HIS ILLUSTRATION. ALSO, HE IS THOROUGHLY ACQUANTED WITH EVERY TALK I HAVE HAD WITH GENERAL SECRETARY HONECKER. DURING MY SECOND MEETING, WHEN WE DISCUSSED THE CONSULAR CONVENTION, I HAD TOLD HONECKER THAT THE INCLUSION OF A DEFINITION OF NATIONALITY WOULD NOT BE ACCEPTABLE, AND THAT THERE WAS NO PRACTICAL REASON FOR ITS ACCEPTANCE. I ASSUMED AT THE TIME WHEN I TALKED TO HONECKER THERE WAS NO QUESTION THAT THE GDR WOULD HAVE FIRST ACCESS, BUT I TOLD HONECKER THAT UNDER US LAW, IT WOULD NOT BE GUARANTEED THAT SUCH A PERSON WOULD ACCEPT GDR REPRESENTATION AND COULD REQUEST REPRESENTATION OF ANY COUNTRY OF HIS CHOICE. IT COULD BE THAT GEYER DEVELOPED THIS IDEA FROM MY CONVERSATION WITH HONECKER FOR WHICH HE ACTED AS INTERPRETER.

4. I HAVE RAISED THE QUESTION OF ACCESS SEVERAL TIMES WITH THE DEPARTMENT WITHOUT ANSWER, AND I MUST SAY THAT I BELIEVE THAT WHEN NEGOTIATIONS ARE RESUMED THIS POINT DESERVES CLARIFICATION. WHILE I HAVE NO WAY OF KNOWING WHETHER CLAIRICATION WILL BE SUCCESSFUL, IT MIGHT RESOLVE THE ISSUE. I AM FURTHER STRENGTHENED IN MY VIEW BY A CONVERSATION I HAD WITH STATE SECRETARY HERMES DURING MY VISIT TO BONN. HERMES ASKED ME TO GIVE HIM MY VIEW AS AMBASSADOR TO THE GDR OF THE US POSITION ON THE CONSULAR CONVENTION. I ADHERED TO THE DEPARTMENT'S CONFIDENTIAL

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POSITION, IN WHICH I BELIEVE, TELLING HIM THAT THE US WOULD NOT REVERSE ITS POSITION AGAINST THE INCLUSION OF THE DEFINITION OF NATIONALITY. TO MY SURPRISE HE SAID, "YES, WE UNDERSTAND THAT, BUT THERE SHOULD BE THE ASSURANCE OF EQUIVALENT ACCESS." I DO NOT KNOW WHETHER THIS IS THE POSITION OF THE FRG GOVERNMENT, BUT THE DEPARTMENT SHOULD KNOW. IT APPEARS TO ME THAT THE US FIRM POSITION ON NON-INCLUSION OF THE DEFINITION OF

NATIONALITY IS AN IMPORTANT ASSURANCE FOR THE FRG.  
COOPER

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